

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

JESSE WARD,

Plaintiff,

- against -

CONSEQUENCE HOLDINGS, LLC

Defendant.

Docket No. 3:18-cv-1734

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Jesse Ward (“Ward” or “Plaintiff”) by and through his undersigned counsel, as and for his Complaint against Defendant Consequence Holdings, LLC (“Consequence Holdings” or “Defendant”) hereby alleges as follows:

NATURE OF THE ACTION

1. This is an action for copyright infringement under Section 501 of the Copyright Act and for the removal and/or alteration of copyright management information under Section 1202(b) of the Digital Millennium Copyright Act. This action arises out of Defendant’s unauthorized reproduction and public display of a copyrighted photograph of American rapper and songwriter Bobby Shmurda in court, owned and registered by Ward, a professional photographer. Accordingly, Ward seeks monetary relief under the Copyright Act of the United States, as amended, 17 U.S.C. § 101 *et seq.*

JURISDICTION AND VENUE

2. This claim arises under the Copyright Act, 17 U.S.C. § 101 *et seq.*, and this Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

3. This Court has personal jurisdiction over Defendant because Defendant resides in and/or transacts business in Illinois.

4. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b).

PARTIES

5. Ward is a professional photographer in the business of licensing his photographs to online and print media for a fee having a usual place of business at 3255 Shore Parkway, #3H, Brooklyn, NY 11235.

6. Upon information and belief, Consequence Holdings is a domestic limited liability company duly organized and existing under the laws of the State of Illinois, with a place of business at 4609 N. Wolcott Ave., Chicago, IL 60640. Upon information and belief Consequence Holdings is registered with the Illinois Department of State Division of Corporations to do business in the State of Illinois. At all times material, hereto, Consequence Holdings has owned and operated a website at the URL: <https://consequenceofsound.net> (the “Website”).

STATEMENT OF FACTS

A. Background and Plaintiff’s Ownership of the Photograph

7. Ward photographed American rapper and songwriter Bobby Shmurda in court (the “Photograph”). A true and correct copy of the Photograph is attached hereto as Exhibit A.

8. Ward then licensed the Photograph to the New York Daily News. On February 24, 2015 the New York Daily news ran an article that featured the Photograph titled *Rapper Bobby Shmurda’s Brooklyn gun possession charge officially becomes part of conspiracy case*. See URL <http://www.nydailynews.com/new-york/nyc-crime/bobby-shmurda-brooklyn-gun-case-moved-manhattan-article-1.2127605>. Ward’s name was featured in a gutter credit identifying

him as the photographer of the Photograph. A true and correct copy of the article is attached hereto as Exhibit B.

9. Ward is the author of the Photograph and has at all times been the sole owner of all right, title and interest in and to the Photograph, including the copyright thereto.

10. The Photograph was registered with the United States Copyright Office and was given registration number VA 2-079-495 "Ward_Bobby Shmurda 7.22.15.jpg." See Exhibit C.

B. Defendant's Infringing Activities

11. On or about September 9, 2016 Consequence Holdings ran an article on the Website titled *Bobby Shmurda accepts plea deal, will serve years in prison Brooklyn rapper pleads guilty to weapons charges relating to a murder conspiracy case*. See URL <https://consequenceofsound.net/2016/09/bobby-shmurda-accepts-plea-deal-will-serve-years-in-prison/>. The article prominently featured the Photograph. A true and correct copy of the article and a screen shot of the Photograph on the article are attached hereto as Exhibit D.

12. Consequence Holdings did not license the Photograph from Plaintiff for its article, nor did Consequence Holdings have Plaintiff's permission or consent to publish the Photograph on its Website.

FIRST CLAIM FOR RELIEF
(COPYRIGHT INFRINGEMENT AGAINST DEFENDANT)
(17 U.S.C. §§ 106, 501)

13. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-12 above.

14. Consequence Holdings infringed Plaintiff's copyright in the Photograph by reproducing and publicly displaying the Photograph on the Website. Consequence Holdings is

not, and has never been, licensed or otherwise authorized to reproduce, publically display, distribute and/or use the Photograph.

15. The acts of Defendant complained of herein constitute infringement of Plaintiff's copyright and exclusive rights under copyright in violation of Sections 106 and 501 of the Copyright Act, 17 U.S.C. §§ 106 and 501.

16. Upon information and belief, the foregoing acts of infringement by Defendant have been willful, intentional, and purposeful, in disregard of and indifference to Plaintiff's rights.

17. As a direct and proximate cause of the infringement by the Defendant of Plaintiff's copyright and exclusive rights under copyright, Plaintiff is entitled to damages and Defendant's profits pursuant to 17 U.S.C. § 504(b) for the infringement.

SECOND CLAIM FOR RELIEF
INTEGRITY OF COPYRIGHT MANAGEMENT INFORMATION AGAINST
DEFENDANT
(17 U.S.C. § 1202)

18. Plaintiff incorporates by reference each and every allegation contained in Paragraphs 1-17 above.

19. Upon information and belief, in its article on the Website, Defendant copied the Photograph from the New York Daily News which contained a gutter credit underneath the Photograph stating, "Jesse Ward" and placed it on its Website without the gutter credit.

20. Upon information and belief, Consequence Holdings intentionally and knowingly removed copyright management information identifying Plaintiff as the photographer of the Photograph.

21. The conduct of Consequence Holdings violates 17 U.S.C. § 1202(b).

22. Upon information and belief, Consequence Holdings' falsification, removal and/or alteration of the aforementioned copyright management information was made without the knowledge or consent of Plaintiff.

23. Upon information and belief, the falsification, alteration and/or removal of said copyright management information was made by Consequence Holdings intentionally, knowingly and with the intent to induce, enable, facilitate, or conceal their infringement of Plaintiff's copyright in the Photograph. Consequence Holdings also knew, or should have known, that such falsification, alteration and/or removal of said copyright management information would induce, enable, facilitate, or conceal their infringement of Plaintiff's copyright in the Photograph.

24. As a result of the wrongful conduct of Consequence Holdings as alleged herein, Plaintiff is entitled to recover from Consequence Holdings the damages, that he sustained and will sustain, and any gains, profits and advantages obtained by Consequence Holdings because of their violations of 17 U.S.C. § 1202, including attorney's fees and costs.

25. Alternatively, Plaintiff may elect to recover from Consequence Holdings statutory damages pursuant to 17 U.S.C. § 1203(c) (3) in a sum of at least \$2,500 up to \$25,000 for each violation of 17 U.S.C. § 1202.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests judgment as follows:

1. That Defendant Consequence Holdings be adjudged to have infringed upon Plaintiff's copyrights in the Photograph in violation of 17 U.S.C §§ 106 and 501;

2. The Defendant Consequence Holdings be adjudged to have falsified, removed and/or altered copyright management information in violation of 17 U.S.C. § 1202.
3. That Plaintiff be awarded Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's infringement of Plaintiff's Photograph;
4. That, with regard to the Second Claim for Relief, Plaintiff be awarded either:
 - a) Plaintiff's actual damages and Defendant's profits, gains or advantages of any kind attributable to Defendant's falsification, removal and/or alteration of copyright management information; or b) alternatively, statutory damages of at least \$2,500 and up to \$ 25,000 for each instance of false copyright management information and/or removal or alteration of copyright management information committed by Defendant pursuant to 17 U.S.C. § 1203(c);
5. That Defendant be required to account for all profits, income, receipts, or other benefits derived by Defendant as a result of its unlawful conduct;
6. That Plaintiff be awarded his costs, expenses and attorneys' fees pursuant to 17 U.S.C. § 1203(b);
7. That Plaintiff be awarded pre-judgment interest; and
8. Such other and further relief as the Court may deem just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a trial by jury on all issues so triable in accordance with Federal Rule of Civil Procedure 38(b).

Dated: Valley Stream, New York

September 17, 2018

LIEBOWITZ LAW FIRM, PLLC

By: /s/Richard Liebowitz

Richard Liebowitz

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Valley Stream, New York 11580

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RL@LiebowitzLawFirm.com

Attorneys for Plaintiff Jesse Ward

EXHIBIT A



EXHIBIT B

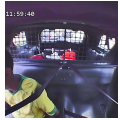
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NYC CRIME NEW YORK

Rapper Bobby Shmurda's Brooklyn gun possession charge officially becomes part of conspiracy case

By OREN YANIV
NEW YORK DAILY NEWS | FEB 24, 2015





Ackquille Pollard, better known as rapper Bobby Shmurda, was in Brooklyn Supreme Court Tuesday to learn his gun case was officially made part of another indictment in Manhattan. (Jesse Ward/for New York Daily News)



Bobby Shmurda's Brooklyn gun case was dismissed Tuesday — but that's not necessarily good news for the rising star rapper.

The weapon possession charges he was accused of became part of a more serious conspiracy indictment [filed last December in Manhattan](#).

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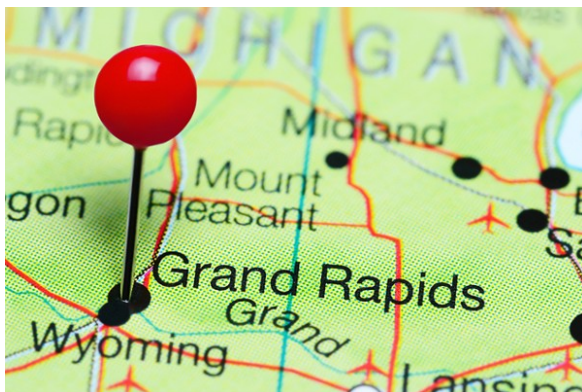
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They represent the most direct evidence against the 20-year-old hip hop phenom, who prosecutors described as the "driving force" behind a street crew called GS9 that was allegedly responsible for shootings and drug sales.

He was arrested with a pal in June 2014 after cops saw him holding a pistol inside an East Flatbush apartment, and he then tried to stuff the 9-mm. Glock between cushions of a couch, court documents allege.

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That incident "is incorporated into the indictment (by the office of the Special Narcotics Prosecutor) so we're moving to dismiss," assistant district attorney Melissa Cardinale said in Brooklyn Supreme Court.

The move is technical and meant to avoid double jeopardy.

Just over a month after the Brooklyn bust, while out on a \$10,000 bail, Epic Records signed Shmurda - real name Ackquille Pollard - to a seven-figure deal.

His "Shmoney Dance" has become a viral sensation and his hit "Hot Boy" reached No. 6 on the Billboard chart and garnered close to 1 million downloads.



Bobby Shmurda arrives at Power 105.1's Powerhouse 2014 at Barclays Center in Brooklyn in 2014. (Scott Roth/Invision/AP)



But it all came crashing down with the conspiracy indictment, for which he's facing up to 25 years to life in prison and was locked up on a \$2 million bail.

Defense lawyer Kenneth Montgomery called the exuberant bail amount "absolutely ridiculous" and contested the allegation his client led any gang.

"This is a glorified case and they have to follow their cheese," he said of prosecutors. "This is what we're fighting."

Shmurda, hands shackled behind his back and wearing a dark-gray sweat suit, looked behind him during the hearing as if to find relatives in the thin courtroom crowd. There were only a number of young strangers in the audience who nodded and smiled in recognition of the up-and-coming star.

Montgomery said Shmurda is trying to keep his head high behind bars while still hoping to make bail.

"I think he is resilient and I think he's trying to survive," the lawyer said.

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EXHIBIT C



This Certificate issued under the seal of the Copyright Office in accordance with title 17, *United States Code*, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Karen Leigh Clayett

Acting United States Register of Copyrights and Director

Registration Number

VA 2-079-495

Effective Date of Registration:

December 19, 2017

Title

Title of Work: Group Registration of Published Photographs; Jesse Ward 2015; all published 1/02/2015-12/31/2015; 277 photos

Content Title: Ward_Grimmi will resign_1.2.15.jpg

Ward_At Brooklyn and Manhattan criminal court_1.7.15.jpg

Ward_Judge Vincent Del Giudice_1.7.15.jpg

Ward_Robinson_1.8.15.jpg

Ward_Derrick Hamilton was officially exonerated_1.9.15.jpg

Ward_Ray Kelly_1.11.15.jpg

Ward_Sharrif Wilson_1.12.15.jpg

Ward_Weinberg_1.15.15.jpg

Ward_Charles Hynes_1.16.15.jpg

Ward_Patrick Lynch_1.17.15.jpg

Ward_Justice Dineen Riviezzo_1.17.15.jpg

Ward_Barry Kamins_1.20.15.jpg

Ward_Attorney Scott Rynecki, with his client Kimberly Ballinger, and Hortence Peterson_1.21.15.jpg

Ward_Derrick Hamilton_1.21.15.jpg

Ward_A family photo of Omar Rendon_1.25.15.jpg

Ward_You can catch some air on a flying saucer_1.26.15.jpg

Ward_Carmen Matias_1.27.15.jpg

Ward_Big Ang_2.2.15.jpg

Ward_Joseph Silverstein_2.2.15.jpg

Ward_Julio Acevedo_2.2.15.jpg

Ward_Scott Brettschneider_2.2.15.jpg

Ward_Police Officer Joel Edouard_2.3.15.jpg

Ward_Lawrence Oh_2.9.15.jpg
Ward_Jason Jordan_2.9.15.jpg
Ward_Jason Jordan1_2.9.15.jpg
Ward_Lawrence Oh shows door interlock system_2.9.15.jpg
Ward_Lawrence Oh shows the actual elevator floor where Debra Jordan's leg
and wrist were crushed_2.9.15.jpg
Ward_Lawrence Oh shows the actual elevator floor_2.9.15.jpg
Ward_Sabrina Thanse_2.9.15.jpg

Ward_Ramsey Orta_2.10.15.jpg

Ward_Richard Palase_2.11.15.jpg

Ward_Peter Liang_2.12.15.jpg
Ward_Federal Magistrate Nicholas Garaufis_2.12.15.jpg

Ward_Ackquille Pollard, better known as rapper Bobby Shmurda_2.24.15.jpg

Ward_Christen (Ninee) Dale_2.27.15.jpg

Ward_Ariann Mercurius_3.5.15.jpg
Ward_Reyes_3.5.15.jpg
Ward_Vincent Adeyeye_3.5.15.jpg

Ward_Vincent Del Giudice_3.10.15.jpg
Ward_Ariann Mercurius_3.10.15.jpg
Ward_Vincent Adeyeye_3.10.15.jpg
Ward_Vincent Adeyeye1_3.10.15.jpg

Ward_Diana Durand_3.11.15.jpg

Ward_Joscelyn Evering_3.12.15.jpg

Ward_Carol Amon_3.16.15.jpg
Ward_Chief Investigator John Bilich_3.16.15.jpg
Ward_Ginsburg_3.16.15.jpg
Ward_Ruth Bader Ginsburg holds up a T-shirt_3.16.15.jpg

Ward_Diana Durand_3.17.15.jpg

Ward_Antwon Dennis_3.18.15.jpg
Ward_Tairod Nathan Webster Pugh is shown in this courtroom
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Ward_Yehuda Katz_3.18.15.jpg

ard_Brian McNamee_3.19.15.jpg
Ward_Darius Fletcher, a 21-year old senior at William Patterson University in
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Ward_Rex Maralit and his wife Sharon_3.27.15.jpg
Ward_Wilfredo Maralit, Rex's brother_3.27.15.jpg

Ward_John Palazzolo_3.28.15.jpg
Ward_John Palazzolo1_3.28.15.jpg

Ward_Kenneth Thompson_3.31.15.jpg
Ward_Kirill Shakhov_3.31.15.jpg
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Ward_Harry Mingo 4.2.15.jpg

Ward_Louis Scarcella 4.3.15.jpg

Ward_coney island houses 4.6.15.jpg

Ward_makeshift memorial coney island 4.6.15.jpg

Ward_malfunctioning hoist 4.6.15.jpg

Ward_Carol Simon tshirt 4.8.15.jpg

Ward_Ralph Mastrantonio 4.9.15.jpg

Ward_Hargrave family 4.14.15.jpg

Ward_Rosean Hargrave 4.14.15.jpg

Ward_Rosean Hargrave hugs 4.14.15.jpg

Ward_Rosean Hargrave released 4.14.15.jpg

Ward_Rosean Hargrave vehicle 4.14.15.jpg

Ward_ShawnDya Simpson 4.14.15.jpg

Ward_Ryan Westfield 4.24.15.jpg

Ward_de Blasio 4.30.15.jpg

Ward_Jones and Santiago 5.4.15.jpg

Ward_Jones attorney 5.4.15.jpg

Ward_Anucha Browne Sanders 5.5.15.jpg

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Ward_Marie-Clause Wrenn 5.11.15.jpg

Ward_Tyrone Baum tshirt 5.11.15.jpg

Ward_Andre Cerbone 5.13.15.jpg

Ward_Anthony Cerbone 5.13.15.jpg

Ward_Joseph Cerbone 5.13.15.jpg

Ward_Area Kids door 5.14.15.jpg

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Ward_Clinton Santana 5.14.15.jpg

Ward_George Chamoun 5.14.15.jpg

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Ward_Kenya Edmonds and daughter 6.2.15.jpg

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Ward_Warren Taylor 7.9.15.jpg

Ward_Genevieve Killiebrew 7.10.15.jpg

Ward_Lawrence Jones 7.10.15.jpg

Ward_Chariza Morrison2 7.13.15.jpg

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Ward_Kenley Jovin 7.21.15.jpg
Ward_Thomas Jennings 7.21.15.jpg

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ward_Dorota Trec 7.23.15.jpg
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Ward_Hassan Razzaq 7.24.15.jpg

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Ward_Jessica Aguila 8.4.15.jpg
Ward_KME Rigs handles 8.4.15.jpg
Ward_Pedro Rosales 8.4.15.jpg
Ward_Sandra Amezquita 8.4.15.jpg
Ward_Thumb1 8.4.15.jpg
Ward_Thumb2 8.4.15.jpg
Ward_Thumb3 8.4.15.jpg

Ward_Joel Fowler 8.5.15.jpg

Ward_Madeline Murray 8.11.15.jpg

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Ward_Scott Weinfeld 8.14.15.jpg

Ward_Doreen Giuliano 8.20.15.jpg
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Ward_Jorge Garcia 8.20.15.jpg

Ward_Thomas Stephens and Keturah Tribble 8.23.15.jpg

Ward_Jeffrey Hurant 8.25.15.jpg

Ward_Hassan Razzaq 8.29.15.jpg

Ward_Ruddy Quezada 8.31.15.jpg

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Ward_Providence Hogan 9.18.15.jpg

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Ward_Family members 9.24.15.jpg

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Ward_Blackwood family members 9.28.15.jpg
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Ward_Cecile Davidson 9.30.15.jpg
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Ward_victims family 10.17.15.jpg

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Ward_Richmond Hill home 11.13.15.jpg
Ward_Giuca 11.17.15.jpg
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BY ALEX YOUNG ON SEPTEMBER 09, 2016, 2:29PM

3 COMMENTS



A photograph showing Bobby Shmurda in a courtroom. He is wearing a grey sweatshirt and dark pants, standing next to a man in a dark suit who has his arm around him. A police officer in a dark uniform stands to the left. Shmurda is looking towards the camera with a serious expression. The background is a plain wall with a red fire alarm pull station and a wooden bench.

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on September 09, 2016, 2:29pm

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Rapper Bobby Shmurda will serve seven years in prison after pleading guilty in a murder conspiracy case.

Shmurda, a 22-year-old Brooklyn native born Ackquille Jean Pollard, was arrested in December 2014 on a litany of charges, including conspiracy to commit murder, reckless endangerment, and drug and gun possession. New York City police accused Shmurda of being “the driving force” behind a street gang called GS9, which had been involved in a wave of shootings. Shmurda frequently rapped about drug-dealing, violence, and even murder, which police said were “almost like a real-life document of what they were doing on the street.” While Shmurda himself admitted that his songs were based on real-life experiences, a New Jersey Supreme Court judge did not allow his lyrics to be admissible in court.

With the trial set to begin next Monday, Shmurda opted to accept a plea deal. Under the terms of the deal, Shmurda pled guilty to possession of a weapon and conspiracy to possess a weapon (the other charges were dropped). He will not be allowed to appeal, but will get credit for time served — nearly two years at this point — leaving five years remaining on his sentence. Following his release from prison, he’ll be on probation for five additional years.

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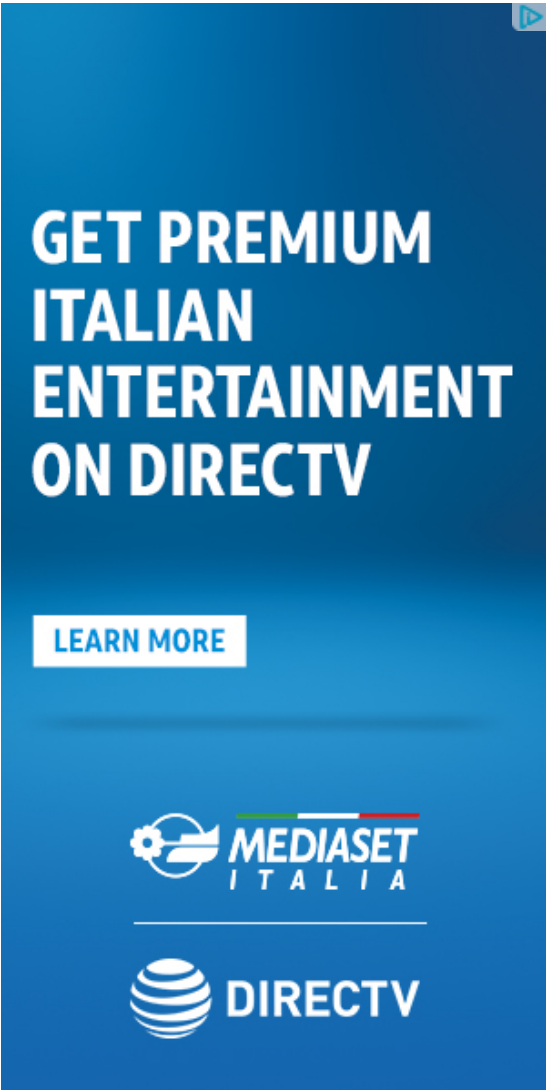
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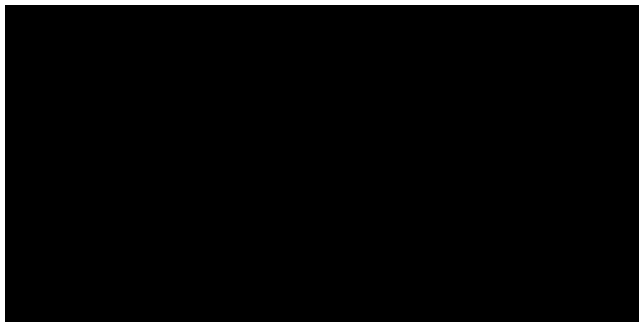
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